

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Criminal Cases – Hyderabad District – Representation of Sri B. Radhavender Reddy for appointment of Sri M. Ramachander Rao, Advocate, Hyderabad as Special Public Prosecutor in S.C.No.217/o8 pending before the II Addl. Metropolitan Sessions Judge, Hyderabad – Not feasible of compliance - Orders - Issued.

LAW (LA&J-HOME-COURTS.A2) DEPARTMENT

G.O.Rt.No.1767

Dated 22-09-2008.

Read:-

Representation of Sri B. Raghavender Reddy, dt.25.8.08.

&&&&

O R D E R :

Whereas, Sri B. Raghavender Reddy in his representation read above has stated that his son was murdered by one K. Venkat Rao, S/o K. Keshav Rao, on 9.9.2007 and he preferred a complaint in this case to the Jubilee Hills Police Station, Hyderabad. He gave statement to the Police, Jubilee Hills, Hyderabad and after the transfer of the case to CB CID, he and his wife gave statement to CB CID investigation officers. He further submitted that the police has filed charge sheet and in the said charge sheet they have diluted the case by purposefully bringing into the opinion of more than one on gun injury showing two different opinions on the death of his son i.e., Suicidal and Homicidal. Since the beginning of the investigation, the investigation officers were not fair enough and due to the pressures of for obvious reasons the investigation officers have mechanically investigated the case giving scope for several loop poles. However, now the matter is pending before the Hon'ble II Addl. Metropolitan Sessions Judge, Hyderabad and matter is coming up for trial on 1.9.2009.

2. Whereas, Sri B. Raghavender Reddy has also stated that the Public Prosecutor is appointed by the present Government and the accused i.e., Venkat Rao, in Crime No.425/2007 and S.C.No.217/2008 is son of a senior politician belonging to the ruling party and he would like to have a Special Public Prosecutor other than the present Public Prosecutor appointed by this Government to prosecute the case on their behalf and he would like to engage Sri N. Ramachander Rao, R/o H.No.12-13-336/1, Street No.1, Tarnaka, Hyderabad practicing in criminal courts and High Court to prosecute the case on their behalf.

3. Whereas, Sri B. Raghavender Reddy has therefore, requested the Government to appoint Sri N. Ramachander Rao, Advocate as Special Public Prosecutor to prosecute the above case in S.C.No.217/2008 pending before the Hon'ble II Addl. Metropolitan Sessions Judge, Hyderabad at the cost of Government and in the interest of Justice.

P.T.O.,

4. Whereas, the Government have examined the request of Sri B. Raghavender Reddy, and observed that the Hon'ble High Court of A.P., in Devineni Seshagiri Rao, Vs. Government, of A.P. (2004 Cr.L.J.52) held that the office of the Public Prosecutor, is a unique in its nature and status and it cannot be permitted to be controlled by, or slipped into the hands of private individuals. Request can certainly be made by a complainant, in a given case, for appointment of Special Public Prosecutor. However, it shall not be open to the complainant to name a person of his choice. The question as to whether or not it is necessary to appoint a Special Public Prosecutor in a case, and if so, the person to be appointed as such shall be within the discretion and the prerogative of the State. The State cannot surrender its discretion to the choice of the individual.

5. In view of the position stated above, the request of Sri B. Raghavender Reddy for appointment of Sri N. Ramachander Rao, as Special Public Prosecutor at the Government cost in S.C.No.217/2008 pending on the file of II Addl. Metropolitan Sessions Judge, Hyderabad at the cost of Government is not feasible of acceptance.

6. Copy of this order is available on internet and can be accessed at address <http://www.ap.gov.in/goir>.

[[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

T. MADAN MOHAN REDDY,
SECRETARY TO GOVERNMENT,
LEGISLATIVE AFFAIRS & JUSTICE,

To
Sri B. Raghavender Reddy,
R/o H.No.B-25, F-3,
Vignanapuri Colony,
Vidyanagar, Hyderabad.

Copy to:

The Govt. Pleader, for Home & Law,
High Court of A.P., Hyderabad.
[with reference to W.P.No.18779/08].
The Director of Prosecutions, A.P., Hyderabad
Sf.

// FORWARDED BY :: ORDER //

SECTION OFFICER.